

11/19/04

AF/GP-1632
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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: November 17, 2004 Name: JOHN MURRAY Signature: John Murray

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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Gary J. Nabel et al.

Appln. No.: 09/663,889

Examiner: Robert M. Kelly

Filed: September 18, 2000

Art Unit: 1632

For: KITS FOR SITE-SPECIFICALLY
TRANSFORMING CELLS IN VIVO

Attorney Docket No: 8642/91

COPY
TRANSMITTAL

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

Attached is/are:

- Transmittal letter (in duplicate); Third Supplemental Information Disclosure Statement (in duplicate); Form PTO-1449; copies of four identified art references; copy of European Search Report.
 Return Receipt Postcard

Fee calculation:

- No additional fee is required.
 Small Entity.
 An extension fee in an amount of \$ _____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
 A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(_____.)
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+\$150=			+\$300=	
					Total	\$	Total	\$	

Fee payment:

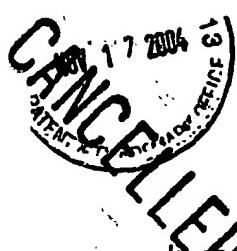
- A check in the amount of \$180.00 is enclosed.
 Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
 Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

John Murray

John Murray, Ph.D (Reg. No. 44,251)

NOVEMBER 17, 2004
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appn. of: Gary J. Nabel

Appn. No.: 09/663,889

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THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(d), Applicant hereby cites the following reference(s):

Foreign Patent Document

No.	Date of Publication	Patentee/Applicant/Assignee
WO 95/13375	05/18/95	The Johns Hopkins University

Other Art

Chang, M. W. et al., "Adenovirus-mediated Over-expression of the Cyclin/Cyclin-dependent Kinase Inhibitor, p21 Inhibits Vascular Smooth Muscle Cell Proliferation and Neointima Formation on the Rat Carotid Artery Model of Balloon Angioplasty" Journal of Clinical Investigation, Vol. 96, No. 5, pp. 2260-68 (1995)

Yang, Z-Y et al., "Role of the p21 cyclin-dependent Kinase Inhibitor in Limiting Intimal Cell Proliferation in Response to Arterial Injury" Proc. Natl. Acad. Sci, Vol. 93, No. 15, pp. 7905-10 (1996)

Gallick, G.C. et al. "Expression of p21 RAS in Fresh Primary and Metastatic Human Colorectal Tumors" Proc. Natl. Acad. Sci, Vol. 82, No. 6, pp. 1795-99 (1985)

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Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

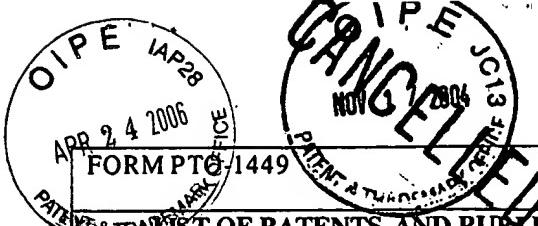
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Applicant hereby certifies pursuant to 37 C.F.R. §1.97(e)(1) that no item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference). Applicant has further calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Statement. Applicant has enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,

November 17, 2004
Date

John Murray
John Murray, Ph.D. (Reg. No.44,251)



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FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	SERIAL NO. 09/663,889	CASE NO. 8642/91
	FILING DATE September 18, 2000	GROUP ART UNIT 1632
	APPLICANT(S): Nabel et al.	

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
C1	WO 95/13375	05/18/95	WIPO		Yes

EXAMINER INITIAL	OTHER ART - NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>		
C2	Chang, M. W. et al., "Adenovirus-mediated Over-expression of the Cyclin/Cyclin-dependent Kinase Inhibitor, p21 Inhibits Vascular Smooth Muscle Cell Proliferation and Neointima Formation on the Rat Carotid Artery Model of Balloon Angioplasty" Journal of Clinical Investigation, Vol. 96, No. 5, pp. 2260-68 (1995)		
C3	Yang, Z-Y et al., "Role of the p21 cyclin-dependent Kinase Inhibitor in Limiting Intimal Cell Proliferation in Response to Arterial Injury" Proc. Natl. Acad. Sci, Vol. 93, No. 15, pp. 7905-10 (1996)		
C4	Gallick, G.C. et al. "Expression of p21 RAS in Fresh Primary and Metastatic Human Colorectal Tumors" Proc. Natl. Acad. Sci, Vol. 82, No. 6, pp. 1795-99 (1985)		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.